

Appl. No. 10/765,966
Amdt. dated July 25, 2005
Reply to Office Action of May 4, 2005

IN THE DRAWINGS:

Fig. 12 has been amended to have "Replacement Sheet" placed within the margin per the Examiner's request.

REMARKS

Claims 1-7 remain in this application. Claim 1 has been amended to better define Applicant's invention.

Claims 1 to 7 stand rejected under 35 U.S.C. 103(a). as obvious over Japanese Patent Application, First Publication No. H08-043739 (Takashi et al., hereinafter) in view of US Patent No. 3,639,039 (Rhodes, hereinafter). Applicant respectfully traverses this rejection for the following reasons.

A spectroscope according to currently amended claim 1 of the present invention includes:

- (a) masks disposed such that a transmission area of each of the separated light beams in a spectrum direction is limited; and
- (b) masks disposed such that the transmission area of each of the separated light beams in a direction perpendicular to said spectrum direction is limited, where said spectrum direction denotes a direction of the arrangement of these separated light beams when viewed against the line of the resolved separated light beams.

According to the spectroscope of currently amended claim 1, *among the resolved separated light beams, both the main points and the side lobes of the separated light beams that are not objects of measurement, along with the scattered components, can be blocked* by the masks that limit the transmission area in the spectrum direction. Furthermore, it is possible to block the side lobes and scattered component that try to avoid and pass through the masks in the perpendicular direction by the mask that limits the transmission area in the perpendicular direction.

Therefore, from both the spectrum direction and the perpendicular direction, the area through which the light can be transmitted can be reduced, and thus it is possible to suppress the mixing of side lobes and scattered component into the separated light beam having the

wavelength that is the object of measurement. Thereby, it becomes possible to attain an S/N ratio that is higher than the conventional one (description at page 17, lines 5 to 17).

The Examiner asserts, in the Office Action, that the spectroscopic scope according to claim 1 of the present invention can be obtained by applying the spatial filter masks (23 and 25) disclosed in Rhodes to the spectroscope disclosed in Takashi et al. Rhodes, as shown in FIGS. 2 and 4, discloses a spatial filter 6 which forms an aperture 27 with a pair of shutters 23 and a pair of shutters 25. The rotation direction of the aperture 27 can be changed by rotating the spatial filter 6.

However, Rhodes does not disclose or suggest an arrangement of the spatial filter 6 in order to effectively suppress a mixing of side lobes and scattered components into a separated light beam having the wavelength that is the object of measurement. Takashi also does not disclose or suggest arrangement of masks in order to effectively suppress a mixing of side lobes and scattered components; and furthermore, as the Examiner admitted in the Office Action, Takashi even does not disclose multiple masks.

Therefore, the spectroscopic scope according to currently amended claim 1 of the present invention cannot be obtained by applying the spatial filter 6 disclosed in Rhodes to the spectroscope disclosed in Takashi et al., since the arrangement (in especially, the rotational direction) of the spatial filter 6, which is one of the important essentials in order to obtain the above-mentioned benefits (i.e., blocking both main points and side lobes of separated light beams that are not objects of measurement, along with the scattered component) is not disclosed or suggested.

As discussed above, currently amended claim 1 of the present invention includes unique technical features which are not disclosed or suggested in Takahi et al. or Rhodes; and furthermore, the currently amended claim 1 of the present invention can obtain benefits based on its technical features that are not found in the art. Accordingly, the amended claim 1 of the present application defines over the cited art either alone or in combination. Nothing in the art

teaches or suggests the specifically claimed is novel and non-obvious; and therefore, the Examiner's rejection thereto should be withdrawn.

In addition, claims 2 to 7 of the present invention also should be allowable due to their dependency on allowable the currently amended claim 1.

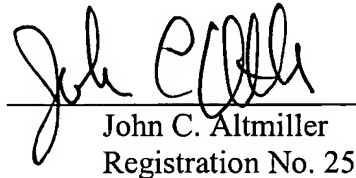
In view of the above, Applicants believe that all claims remaining in this application are in condition for allowance, prompt notice of which is respectfully solicited.

The Examiner is invited to call the undersigned at (202) 220-4200 to discuss any information concerning this application.

The Office is hereby authorized to charge any additional fees under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayment to Deposit Account No. 11-0600.

Respectfully submitted,

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